



## Arkansas River Shiner: Fact Sheet

Public Affairs Office  
PO Box 1306  
Albuquerque, NM  
87103  
505/248-6911

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Southwest Region (Arizona • New Mexico • Oklahoma • Texas) <http://southwest.fws.gov>

The Arkansas River shiner *Notropis girardi* is a small, heavy-bodied minnow with a rounded snout and small mouth. Its coloration tends to be sandy above and silver laterally, grading to white on the belly. Dorsal scales are typically outlined with dark pigment. The shiner feeds mostly on aquatic invertebrates. It is believed to spawn during the months of May, June and July in conjunction with flows following heavy rains. Eggs drift with the current during high flows until hatching occurs. If conditions are favorable, the shiner may reproduce several times during this period.

The shiner is native to wide, sandy-bottomed streams of the Arkansas River drainage in Arkansas, Kansas, New Mexico, Oklahoma, and Texas. Historically, it was abundant throughout these portions of the Arkansas River and its major tributaries. The shiner is presently almost entirely restricted to the Canadian/South Canadian River in Oklahoma, Texas, and New Mexico, a distance of about 508 river miles. A small, relict population is believed to remain in the upper Cimarron River in Kansas and Oklahoma. A remnant population also may persist in the Beaver/North Canadian River of OK, based on collection of only four individuals since 1990. However, in 2001, biologists conducted an extensive survey on the Beaver/North Canadian River and failed to find Arkansas River shiners.

Surveys in the Arkansas River Basin from 1976 to 2002 documented that the shiner has disappeared from more than 80 percent of its historic range in the last 40 years. The species is threatened by habitat destruction and modification from stream dewatering or depletion due to diversion of surface water and groundwater pumping, construction of impoundments, and water quality degradation.

Competition with introduced fishes contributed to diminished distribution and abundance of the shiner in the Cimarron River. Incidental capture of the shiner and potential introductions of non-native minnows during pursuit of commercial baitfish species also may contribute to reduced population sizes. The adverse affects of drought and other natural factors are only exacerbated by the impacts mentioned above.

The Arkansas River shiner first received consideration as a candidate for listing under the Endangered Species Act after a nationwide review of vertebrate species was conducted by the U.S. Fish and Wildlife Service in 1985. Mr. Jimmie Pigg with the Oklahoma Department of Environmental Quality first provided detailed information on the status of the species in Oklahoma to the Service in 1989. Additional information on the shiner was obtained by the Service and presented in a status report published in 1990.

A survey, funded by the Service in 1989 and published in the summer of 1991, provided status information on the Arkansas River shiner throughout its historic range. In November 1991, the shiner was reclassified as a category 1 candidate. Category 1, at that time, comprised those taxa for which the Service had substantial information on biological vulnerability and threat to support proposals to list the taxa as endangered or threatened. On February 28, 1996 (61 FR 7596), the Service published regulations in the *Federal Register* discontinuing candidate category 2 status and recognizing only category 1 species as candidates for listing purposes.

A proposed rule to list the shiner as endangered was published on August 3, 1994. Three public hearings were held in January 1995. Processing of the proposed rule was subsequently delayed by a congressional moratorium on activities associated with final listings from April 1995 to April 1996. At that time, the Service was prohibited from making final determinations on listing proposals.

On December 5, 1997, the Service reopened the comment period on the proposed rule to ensure that all relevant data were provided to the Service, and to allow the public to review and comment on information the Service had obtained since August 1994. New information received during the comment periods suggested that some threats to this species were less severe than initially presented in the proposed rule. Based on this new information, the Service determined that listing as threatened was more appropriate. The final rule listing the Arkansas River basin population of the ARS as a threatened species was published on November 23, 1998. Critical habitat was determined to not provide any benefit to the shiner beyond listing the species as threatened, therefore was not included in the final rule.

On February 16, 2000, responding to a lawsuit, Center for Biological Diversity v. Bruce Babbitt, et al. C99-3202 SC, the Service negotiated a settlement order in which we agreed to reconsider the question of whether critical habitat would be prudent; and, if designation of critical habitat is prudent, we agreed to subsequently propose designation of critical habitat for the Arkansas River Basin population of the Arkansas River shiner by June 23, 2000.

Prior to this agreement a series of court decisions had overturned Service not prudent determinations regarding for a variety of species that designation (for example, Natural Resources Defense Council v. U.S. Department of the Interior 113 F. 3d 1121 (9<sup>th</sup> Cir. 1997); Conservation Council for Hawaii v. Babbitt, 2 F. Supp. 2d 1280 (D. Hawaii 1998)). Based on the standards applied in those judicial opinions, the Service reexamined the question of whether designation of critical habitat for the Arkansas River Basin population of the Arkansas River shiner was prudent. Subsequently, in June of 2000, the Service published the proposed rule to designate critical habitat for the Arkansas River shiner. Following public comment and further analysis, critical habitat was designated April 4, 2001.

On April 25, 2002, the New Mexico Cattle Growers Association and 16 other plaintiffs filed complaint in the United States District Court of New Mexico alleging violation of the Administrative Procedures Act, the Endangered Species Act and the National Environmental Policy Act. Per court decision, critical habitat was vacated in September of 2003 and the Service was ordered to complete a proposed rulemaking to redesignate critical habitat by September of 2004. A final rule would be due by September 2005.

The Service prepared a draft Environmental Assessment and draft Economic Analysis on this proposal. The public was notified regarding their availability and where to access them.

Additionally, the Service scheduled three public information sessions followed by public hearings as follows, they were announced in the Federal Register, local newspapers and other media venues prior to the first hearing:

**August 15<sup>th</sup>** - Oklahoma City Zoological Park, Conservation Education Center Auditorium, 2101NE 50<sup>th</sup> Street, Oklahoma City, Oklahoma 73111

**August 17<sup>th</sup>** - Texas A&M Experiment Station Auditorium, 6500 Amarillo Boulevard West, Amarillo, Texas 79106

**August 18<sup>th</sup>** - Seward County Activity Center, 810 Stadium Road, Liberal, Kansas 67901

## **Protection under the ESA**

‘Take’ of listed species, which includes harassing, harming, pursuing, wounding, killing, trapping, capturing, or collecting, is prohibited under the ESA. If non-Federal actions may take a federally listed species, the project proponent must prepare a Habitat Conservation Plan and receive an incidental take permit from the Service.

The Act also requires that when a Federal action (fund, authorize, or carry out) may affect a listed species, the responsible agency must enter into consultation with the Service. Federal agencies also should ensure that their actions do not destroy or adversely modify designated critical habitat to the extent that the action appreciably diminishes that value of the critical habitat essential for the survival and recovery of the species. Thus, activities on Federal lands or Federal actions that may affect the Arkansas River shiner or its critical habitat will require consultation with the Service. Individuals, organizations, States, local and tribal governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

## **Conservation and Recovery**

The Act requires the Service to develop and implement recovery plans for listed species. A recovery plan identifies reasonable actions needed to conserve and recover listed species.

The Service will solicit active participation by the scientific community, local, State, and Federal agencies, Tribal governments, and other interested parties in the development and implementation of the Arkansas River shiner recovery plan. Recovery of the shiner likely will include measures to eliminate or reduce existing threats, protect existing populations and those areas containing suitable habitat, restore lost or degraded habitats, and preserve genetic diversity of the species.

Regional, voluntary water conservation measures (including management of invasive aquatic plant species), for both municipal/industrial and agricultural uses, are the most viable means of prolonging stream flows and protecting shiner habitat within the western sections of the Arkansas River basin. Cooperative partnerships among the Service, other Federal and State agencies and local governments (e.g., municipalities and groundwater conservation districts), organizations, and landowners are crucial to the success of region-wide water conservation efforts. Community support and the participation of private landowners are essential if the Service is to fully conserve and recover the shiner. The Service has pledged to work closely with stakeholders in the management and recovery of the shiner to ensure that the concerns of local governments, citizens, and others are fully considered.

All documents relating to Service actions on the shiner are currently available at:  
<http://ifw2es.fws.gov/Oklahoma/shiner.htm>